



Transport Act 1968

1968 CHAPTER 73

PART VIII

BRIDGES, LEVEL CROSSINGS, ETC.

Bridges

121 Application of foregoing sections to undertakers other than Railways Board, London Board and Waterways Board.

- (1) In the foregoing sections of this Part of this Act any reference to the Railways Board, [^{F1}London Regional Transport] or the Waterways Board includes a reference to any subsidiary of that Board; . . . ^{F2}
- (2) The Minister may by order apply—
 - (a) all or any of the provisions of section 116 or 117 of this Act to bridges over railways or inland waterways of persons other than the Boards mentioned in those sections or their subsidiaries, or over installations or land used in connection with a railway or inland waterway by persons other than those Boards or subsidiaries; . . . ^{F2};
 - (b) all or any of the provisions of section 118 of this Act to bridges over railways or inland waterways of persons other than the Boards mentioned in that section or their subsidiaries.
- (3) An order under subsection (2) of this section may make such modifications in the provisions applied by it, and in any other enactment or instrument relating to the bridge, railway, inland waterway, installation or land to which it relates, as appear to the Minister to be appropriate.
- (4) An order under the ^{M1}Light Railways Act 1896 may make provision for any matter for which provision can be made by an order made under subsection (2) of this section in relation to a railway or to any installation or land used in connection with a railway.
- (5) Before making an order under subsection (2) of this section or by virtue of subsection (4) thereof, the Minister shall consult with the highway authority concerned

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Changes to legislation: There are currently no known outstanding effects for the Transport Act 1968, Section 121. (See end of Document for details)

(unless he is himself that authority); and, before making an order under the said subsection (2), the Minister shall consult with the owner of the railway, inland waterway, installation or land concerned.

[^{F3}(6) Where an order made under subsection (2) or by virtue of subsection (4) of this section applies all or any of the provisions of section 117 of this Act to any bridge to which that section has not at any previous time applied, paragraphs 15, 16, 18, 19 and 20 of Schedule 11 to [^{F4}the ^{M2}Highways Act 1980] (which relate to the apportionment of expenses) shall apply in relation to that bridge as if—

- (a) the provisions of the said section 117 so applied were an order to which the said paragraph 15 applies; and
- (b) the bridge were such a bridge as is mentioned in the said paragraph 15; and
- (c) the highway authorities referred to in those paragraphs of the said Schedule 11 were the highway authority or highway authorities for the highway carried by the bridge;

but if the order made as aforesaid also applies to the bridge all or any of the provisions of section 116 of this Act and the highway carried by or giving access to the bridge has under the provisions of the said section 116 so applied become a highway maintainable at the public expense instead of by the owners of the bridge, then, for the purposes of [^{F4}sub-paragraph (2)(c) of] the said paragraph 15, the share of the expense there referred to of those owners shall be increased by an amount equivalent to the amount of any saving to those owners, in consequence of those provisions of the said section 116, of expense in maintaining that highway.

(7) In the application of the last foregoing subsection to Scotland, references therein to paragraphs 15, 16, 18, 19 and 20 of Schedule 11 to [^{F4}the ^{M3}Highways Act 1980] and to [^{F4}sub-paragraph (2)(c) of] the said paragraph 15 shall be construed as references to the following provisions respectively of the ^{M4}Bridges Act 1929, namely, sections 6(1), 6(2), 6(3), 7(2) and 15(b) and paragraph (c) of the proviso to the said section 6(1).]

(8) In subsections (2) and (3) of this section, and in subsection (5) thereof so far as it relates to subsection (2), references to the Minister shall, as respects bridges in Scotland or Wales, be construed as references to the Secretary of State. [^{F5}; and in the application of the said subsection (5) to Scotland the reference to a highway authority shall be construed as a reference to a roads authority.]

Textual Amendments

- F1** Words substituted by virtue of [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **Sch. 4 Pt. I para. 4(2)**
- F2** Words repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. III**
- F3** [S. 121\(6\)\(7\) repealed \(S.\) \(1.1.1985\) by Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss. 156(3), 157(2), **Sch. 11**
- F4** Words substituted by [Highways Act 1980 \(c. 66\)](#), **Sch. 24 para. 18**
- F5** Words added (S.) (1.1.1985) by [Roads \(Scotland\) \(c. 54, SIF 108\)](#), Sch. 9 para. 66(6)

Modifications etc. (not altering text)

- C1** [S. 121](#) modified by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **Sch. 4 Pt. I para. 4(3)**

Marginal Citations

- M1** 1896 c. 48.
- M2** 1980 c. 66.
- M3** 1980 c. 66.

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M4 1929 c. 33.

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Changes to legislation:

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